



State of Utah

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Department of
Environmental Quality

L. Scott Baird
Interim Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL
Ty L. Howard
Director

September 12, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

7003 2260 0003 2353 4725

Tooele Army Depot
JMTE-BON, Bldg 501, Attn: Nick Montgomery
1 Tooele Army Depot
Tooele, UT 84074-5003

RE: Notice of Violation No. 1908083
UT3213820894

Dear Mr. Montgomery:

Enclosed is a **NOTICE OF VIOLATION (NOV)** Number **1908083**, based on findings documented by Division of Waste Management and Radiation Control inspectors during a compliance inspection on April 29 through May 2, 2019.

You are hereby requested to submit to this office on or before September 26, 2019, written verification that the violations documented in the NOV have been corrected. Please include a description of the corrective actions implemented to ensure that these violations do not recur. Your response to this request will not constitute an administrative contest to the attached NOV.

You have 30 days from the date of the attached NOV to contest it in the manner and within the time period prescribed by R305-7-303, Utah Administrative Code.

If you have any questions, please call Rick Page at (801) 536-0230.

Sincerely,

Ty L. Howard, Director
Division of Waste Management and Radiation Control

(Over)

DSHW-2019-009282

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Enclosure: Notice of Violation No. 1908083

c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department
Bryan Slade, Environmental Health Director, Tooele County Health Department
Annette Maxwell, U.S. EPA, Region VIII, ENF-R

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In the Matter of:	:	NOTICE OF VIOLATION
	:	
Tooele Army Depot North (TEAD-N)	:	No. 1908083
UT3213820894	:	

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This **NOTICE OF VIOLATION (NOV)** is issued by the Director of the Division of Waste Management and Radiation Control pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code Ann. § 19-6-101, *et seq.* The Director has authority to issue such NOTICES in accordance with Utah Code Ann. § 19-6-112.

FINDINGS

1. The Tooele Army Depot North facility (TEAD-N) is owned and operated by the U.S. Army and is located in Tooele County, Utah, approximately two miles south of the city of Tooele. The mission of TEAD-N is conventional ammunition storage, maintenance, and demilitarization.
2. TEAD-N is a "person" as defined in Utah Code Ann. § 19-1-103(4) and is subject to all applicable provisions of the Act, the Utah Administrative Code (Rules) and the Permit issued to TEAD-N as owner and operator of the TEAD-N facility.
3. TEAD-N includes operations and facilities for the storage and treatment of hazardous waste. These include the Hazardous Waste Storage Units, the Open Burn/Open Detonation (OB/OD) Munitions Treatment Unit, the Deactivation Furnace, the Hydrolysis System, and two Pull-Apart Operations. TEAD-N operates these units under the provisions of the State-issued Hazardous Waste Part B Permit issued to TEAD on March 22, 1993, as modified (the Permit) on file with the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control (the Division). The Permit was most recently renewed and reissued, effective February 2, 2017.
4. Authorized representatives of the Director (inspectors) conducted a hazardous waste inspection at TEAD-N on April 29 through May 2, 2019 (the FY2019 inspection). In addition, the facility self-reported non-compliance issues at the facility.
5. Condition I.L. 1 of the Permit specifies that TEAD-N follow R315-262 Appendix of the Utah Administrative Rules (Rules) for the movement of each waste load off site. The Appendix to R315-262 requires that persons use the hazardous waste manifest when transporting shipments of hazardous wastes off site. R315-262-11(g) of the Rules requires that a generator mark its containers with all applicable EPA hazardous waste numbers, EPA hazardous waste codes, according to Section R315-262-32 of the Rules, prior to shipping the waste off site. R315-262-17(a)(5) of the Rules requires that a generator mark or label its containers with the words "Hazardous Waste" and other information.
 - a. On April 29, 2019, TEAD-N notified the Division that on April 10, 2019, it had shipped a load of hazardous waste projectiles without proper labeling and without a hazardous waste manifest.

6. Condition IV.A.3 of the Permit requires that all process monitors, required pursuant to Condition IV.E, be equipped with alarms operated to warn of deviation or imminent deviation from the limits specified in Condition IV.D while burning hazardous wastes. Condition IV.E.2 of the Permit includes the monitoring and recording equipment specified in Condition IV.D.2. Condition IV.D.2 of the Permit specifies that the kiln rotation not be less than 1 rpm, nor exceed 3 rpm. Condition IV.E.8 specifies that alarms generated by the plant control system be recorded and made available for review by the Director. Condition IV.E.9 of the Permit requires that TEAD-N record the date and time of all automatic waste feed cut-offs, including the triggering parameter(s), the reason for the cut-off, and the corrective action(s) taken.
 - a. During the FY2019 inspection, the inspectors documented that there is no alarm generated and recorded when the kiln rotation drops below the permit limit. Also, the automatic waste feed cut-off (including the triggering parameter(s), reason for the cut-off, and corrective action(s) taken) is not recorded by the system for the kiln rotation.
7. Condition IV.E.10 of the Permit specifies that TEAD-N comply with R315-266-100, which incorporates 40 CFR 266 Appendix IX, Section 2.1 by reference. Section 2.1.10.1 of Appendix IX to 40 CFR 266 specifies that a daily calibration drift check be performed for each of the continuous emissions monitors and that the calibration be adjusted if it exceeds the specification established in section 2.1.4.5. Section 2.1.5.4 of Appendix IX to 40 CFR 266 specifies that the Response Time Test be conducted during the Calibration Drift Test Period (which is part of the Performance Specification Test).
 - a. On October 17, 2018, TEAD-N notified the Division that on October 9, 2018, it had exceeded the calibration drift limit for the oxygen monitor at the furnace and had failed to recalibrate the monitor as required.
 - b. During the FY2019 inspection, the inspectors documented the following: Calibration drift checks were not completed on the days where the furnace was run into the weekends. Specifically, daily calibration checks were not performed when the furnace was operated on July 3, 2018, January 13, 2019, January 19, 2019, January 20, 2019, January 27, 2019, February 2, 2019, February 9, 2019, March 23, 2019, and April 6, 2019.
 - c. During the FY2019 inspection, the inspectors documented that a Response Time Test had not been conducted during either of the Performance Specification Tests conducted that year.
8. Condition IV.H.1 of the Permit specifies that TEAD-N conduct daily inspections of the incineration system, when in operation, per Attachment 4 (Inspection Plan).
 - a. During the FY2019 inspection, the inspectors documented the following: Daily inspections of the incineration system were not completed on the days where the furnace was run into the weekends. Specifically, daily inspections were not performed when the furnace was operated on January 13, 2019, January 19, 2019, January 20, 2019, January 27, 2019, February 2, 2019, February 9, 2019, March 23, 2019, and April 6, 2019.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, TEAD-N has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, TEAD-N has violated the following:

1. Condition II.L. 1 of the Permit and R315-262 Appendix of the Rules by shipping a load of hazardous waste projectiles without proper labeling and without a hazardous waste manifest.
2. Conditions IV.A.3 and IV.E.9 of the Permit by failing to record an alarm when the kiln rotation drops below the permit limit; and by failing to record the kiln rotation as a triggering parameter for the automatic waste feed cut-off system.
3. Condition IV.E.10 of the Permit and 40 CFR 266 Appendix IX, Section 2.1 by failing to perform daily calibration checks of the continuous emissions monitoring system; by failing to recalibrate the oxygen monitor when it exceeded the calibration drift limit; and by failing to perform the Response Time Test.
4. Condition IV.H.1 of the Permit by failing to conduct daily inspections of the incineration system when in operation.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless TEAD-N administratively contests it. Failure to contest this NOTICE OF VIOLATION in the manner and within the time period prescribed by R305-7-303 of the Rules constitutes a waiver of any right of administrative contest, reconsideration, review, or judicial appeal.

Utah Code Ann. Section 19-6-113(2) provides that violation of any order, plan, rule, or other requirement issued or adopted under Title 19, Ch. 6, Pt. 1 may be subject to a civil penalty of up to \$13,000 per day for each day of violation.

Dated this 12th day of September, 2019

By: 
Ty L. Howard, Director
Division of Waste Management and Radiation Control

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I mailed a true and correct copy of the foregoing **NOTICE OF VIOLATION** on the 12 day of **September, 2019** by **US Certified Mail, Return receipt Requested**, to:

Nick Montgomery
Tooele Army Depot
JMTE-BON, Bldg 501
1 Tooele Army Depot
Tooele, UT 84074-5003



Alma Rosas Office Specialist 9/12/2019